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TAYLOR & ZIMSKY

Practice Limited to Matters Before the Federal Communications Commission

FEDERAL SECTION
Federal Communications Commission
Office of the Secretary
Washington Office
900 17th Street, N.W.
Suite 900
Washington, D.C. 20006
(202) 331-5880

Hugh P. Taylor, LL. M. + *
William E. Zimsky †

+ LL. M. in Taxation
* Admitted in TN,
NY, DC and LA only
† Admitted in DC and
LA only

P.O. Box 4117
Incline Village, Nevada 89450
(702) 832-0112
Facsimile (702) 832-2224

JAN 13 10 15 AM '92

February 12, 1991

BY FEDERAL EXPRESS

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: WNPC, Inc.
File No. BPH-900222MQ
Petition for Rule Making
Newport, Tennessee

Dear Ms. Searcy:

Enclosed please find one original and five copies of a Petition for Rule Making and Modification of Construction Permit. Please cause the original and four copies of the Petition to be filed with the Commission on behalf of WNPC, Inc. (File No. BPH-900222MQ), the permittee for a new FM broadcast station at Newport, Tennessee.

Please return one date stamped copy of the Petition to me in the enclosed self addressed stamped envelope.

If the staff should have any questions regarding this matter, please contact me.

Sincerely,


William E. Zimsky

Enclosures

No. of Copies rec'd
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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC MAIL SECTION

JAN 13 10 06 AM '92

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Newport, Tennessee)

MM Docket No. 92-_____

RM- _____

RECEIVED

To: Assistant Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

FEB 13 1992

Federal Communications Commission
Office of the Secretary

**PETITION FOR RULE MAKING AND
MODIFICATION OF CONSTRUCTION PERMIT**

WNPC, Inc. ("WNPC"), permittee of a new FM broadcast station on Channel 225A, Newport, Tennessee (File No. BPH-900222MQ), by its attorney, hereby petitions for rule making to substitute Channel 225C3 for Channel 225A at Newport, Tennessee in the FM Table of Allotments (Section 73.202 of the Commission's Rules) and for modification of the construction permit issued to WNPC to specify operation on Channel 225C3 in lieu of 225A. In support whereof, the following is shown:

WNPC is currently the permittee for Channel 225A at Newport, Tennessee. As demonstrated in the Engineering Statement (Attachment A hereto), Channel 225C3 can be allotted to Newport in compliance with the Commission's minimum mileage

separation requirements as well as minimum coverage requirements and requires no other changes to the Table of Allotments.

The proposed change will allow for a more efficient use of the spectrum by permitting improved coverage. The Commission has stated that the operation of Class C3 stations is in the public interest:

[Class C3] stations will be able to provide much better service with, in many cases, a relatively modest expenditure. Class C3 stations, with their greater power, will have much better coverage than Class A stations and will thus promote better spectrum utilization.

Amendment Of Part 73 Of The Rules To Provide For An Additional FM Station Class And to Increase The Maximum Transmitting Power For Class A FM Stations, 4 FCC Rcd 2792, 2794 (1989).

If a Notice of Proposed Rulemaking is issued for the above-proposed change, WNPC will promptly file comments in support thereof. If such modification is granted, the permittee will promptly file an application for modification of its existing construction permit to specify the higher power assignment.

WHEREFORE, premises submitted, WNPC prays that the FM Table of Allotments be amended as follows:

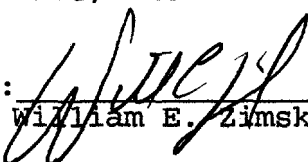
COMMUNITY	PRESENT	PROPOSED
Newport, TN	225A	225C3

WNPC further requests that the Commission modify its construction permit to specify operation on Channel 225C3 in lieu of Channel 225A contingent upon the filing of a minor change application for the upgraded facilities by WNPC.

RESPECTFULLY SUBMITTED,

WNPC, INC

By:


William E. Zimsky, Esq.

Law Offices of William E. Zimsky
P.O. Box 4117
Incline Village, NV 89450
(702) 832-0112

February 13, 1992

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS

FCC REG. DIVISION SILVER SPRING, MD 20910

NPC201.T[30,0

JAN 13 10 00 AM '92

WNPC, Inc.
Newport, Tennessee

ENGINEERING STATEMENT

I ABSTRACT

This engineering statement has been prepared on behalf of WNPC, Inc., permittee of a new Channel 225 (92.5 MHz) Class A FM broadcast station at Newport, Tennessee in support of its Petition For Rule Making to amend the Federal Communications Commission (FCC) FM Table of Allotments contained in Section 73.202 of the FCC Rules. WNPC, Inc. respectfully requests the substitution of Channel 225C3 for Channel 225A at Newport, Tennessee, and the concomitant modification of its construction permit, BPH-900222MQ, to specify operation on Channel 225C3, contingent upon the filing of a minor change application for the upgraded facilities by WNPC, Inc.

Exhibit No. 1, Pages 1 and 2, enclosed is a Channel 225C3 FM channel study for Newport, Tennessee, performed using a reference site located at geographic coordinates North Latitude 35° 58' 07" West Longitude 83° 01' 58". The reference site specified for Channel 225C3 at Newport, Tennessee, meets all of the pertinent co-channel and adjacent channel spacing requirements of Section 73.207 of the FCC Rules and all international agreements governing FM broadcasting as well as the principal community coverage requirements contained in Section 73.315 of the FCC Rules. A reference site was used for the enclosed Channel 225C3 study because neither the reference coordinates for the community of Newport, Tennessee specified in the United States Department of Interior publication entitled Index To The National Atlas of the United States of America, nor the authorized WNPC, Inc. Channel 225A transmitter site meets the previously-mentioned spacing requirements for the Channel 225C3. However, there is a sizable area in which a transmitter site meeting all of the pertinent spacing and coverage requirements of the FCC Rules for Channel 225C3 at Newport, Tennessee, may be located.

Following the allotment of Channel 225C3 to Newport, Tennessee, and the simultaneous modification of the WNPC, Inc. construction permit for the higher FM station class, WNPC, Inc. will file an application for the upgraded WNPC, Inc. Channel 225C3 facilities and will promptly construct the modified facilities once a construction permit for the upgraded facility is granted.

All computations and data contained herein or on which this exhibit has been based are in exact accordance with the pertinent requirements of the FCC Rules and standards of good engineering practice, unless otherwise specifically so stated.

By:

Susan N. Crawford
February 6, 1992

WNPC, INC. - NEWPORT, TENNESSEEEXHIBIT NO. 1 (PAGE 1)

FCC MAIL SECTION

Silliman and Silliman
Silver Spring, MDJAN 13 10 06 AM '92
February 5, 1992

FM Spacing study

Title: FM STUDY FOR CH. 225C3 AT NEWPORT, TN
Channel 225C3 (92.9 MHz)
Database: FCC 12/24/91Latitude: 35-58-07
Longitude: 83-01-58
Safety zone: 50 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			222A		37-09-48	347.3	136.0	42
Hyden	KY	DOC-86-151	92.3		83-22-12	167.1	93.97	CLEAR
EFFECTIVE 4-6-87; Filing window 04/07-05/06/87 **CLOSED**								
WESC-FM LIC	B/Casting Company of the	223C	100	35-08-16	157.3	99.88	96	
Greenville	SC	BLH-800811AB	92.5	610BT	82-36-31	337.6	3.880	CLOSE
ALLOC			223C		35-08-16	157.3	99.88	96
Greenville	SC		92.5		82-36-31	337.6	3.880	CLOSE
Coordinates updated from LIC record BLH800811AB								
ALLOC			224A		36-35-50	315.8	97.87	89
Middlesboro	KY		92.7		83-47-49	135.4	8.872	CLOSE
Coordinates updated from LIC record BLH791220AP								
WMIK-FM LIC	Cumberland Gap Broadcast	224A	.13	36-35-50	315.8	97.87	89	
Middlesboro	KY	BLH-791220AP	92.7	439	83-47-49	135.4	8.872	CLOSE
ALLOC			224A		36-43-07	49.0	128.1	89
Abingdon	VA		92.7		81-56-55	229.7	39.06	CLEAR
Coordinates updated from LIC record BLH7397								
WABN-FM LIC	Edward and Sutherland B/	224A	1.80	36-43-07	49.0	128.1	89	
Abingdon	VA	BLH-7397	92.7	113	81-56-55	229.7	39.06	CLEAR
ALLOC			224A		35-56-05	268.9	138.7	89
Harriman	TN		92.7		84-34-09	88.0	49.67	CLEAR
Coordinates updated from LIC record BLH810129AI								
WLIQ	LIC	Action Communications En	224A	1.25	35-56-05	268.9	138.7	89
Harriman	TN	BLH-810129AI	92.7	134	84-34-09	88.0	49.67	CLEAR
ERP exceeds maximum value for HAAT; DOC-18912								
NEW	CP	WNPC, Inc.	225A	.94	35-57-30	250.9	3.500	
Newport	TN	BPH-900222MQ	92.9	252	83-04-10	70.9		
DOC-91-196								
ALLOC			225A		35-57-54	268.4	13.74	
Newport	TN	DOC-86-218	92.9		83-11-06	88.3		
Effective 1-22-90; Filing window 01/23-02/22/90 **CLOSED**								
WVLK-FM LIC	WVLK Radio, Inc.	225C1	100	38-02-22	332.6	260.2	211	
Lexington	KY	BLH-6828	92.9	259	84-24-11	151.7	49.17	CLEAR

EXHIBIT NO. 1 (PAGE 2)

Silliman and Silliman
Silver Spring, MD

JAN 13 10 05 AM '92

February 5, 1992

FM Spacing study

Title: FM STUDY FOR CH. 225C3 AT NEWPORT, TN
Channel 225C3 (92.9 MHz)

Latitude: 35-58-07
Longitude: 83-01-58

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			225C1		38-02-22	332.6	260.2	211
Lexington	KY		92.9		84-24-11	151.7	49.17	CLEAR
Coordinates updated from LIC record			BLH6828					
WWZZ	LIC	WCKS Broadcasters, Ltd.	226A	2.40	35-57-46	269.9	89.33	89
Karns	TN	BLH-901218KA	93.1	156	84-01-23	89.3	.330	CLOSE
ALLOC			226A		35-58-55	271.2	97.52	89
Karns	TN	DOC-85-311	93.1		84-06-50	90.6	8.521	CLOSE
EFFECTIVE 6-30-86; Filing window 07/01-07/30/86 **CLOSED**								
ALLOC			227C		35-16-19	136.8	105.9	96
Forest City	NC		93.3		82-14-00	317.2	9.925	CLOSE
Coordinates updated from LIC record			BLH871214KB					
WBBO-FM LIC		Rutherford County Radio	227C	93	35-16-19	136.8	105.9	96
Forest City	NC	BLH-871214KB	93.3	619BT	82-14-00	317.2	9.925	CLOSE
WAXM	LIC	Valley Broadcasting, Inc	228A	.15	36-50-26	15.2	100.3	42
Big Stone Gap	VA	BLH-871118KA	93.5	432	82-44-14	195.3	58.32	CLEAR
*To channel 228C2 Per D87-494								
ALLOC			228C2		36-53-37	8.4	103.8	56
Big Stone Gap	VA	DOC-87-494	93.5		82-51-45	188.5	47.77	CLEAR
Site restricted-Effective 11-13-90-Reserved for WAXM per D87-494								
WAXM	CP	Valley Broadcasting, Inc	228C2	2.45	36-54-50	6.7	105.6	56
Big Stone Gap	VA	BPH-901123IA	93.5	574	82-53-40	186.8	49.62	CLEAR
From channel 228A Per D87-494								
ALLOC			278C		36-08-06	286.8	65.02	31
Knoxville	TN		103.5		83-43-29	106.4	34.02	CLEAR
Coordinates updated from LIC record			BLH5135					
WIMZ-FM LIC		Stoner Broadcasting Syst	278C	100	36-08-06	286.8	65.02	31
Knoxville	TN	BLH-5135	103.5	524	83-43-29	106.4	34.02	CLEAR
ALLOC			279C3		34-19-59	185.0	182.1	14
Royston	GA	DOC-89-523	103.7		83-12-17	4.9	168.1	CLEAR
Site Restricted-Effective 11-26-90-Reserved for WPUP per D89-523								

>> End of channel 225C3 study <<

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS

FCC MAIL SECTION SILVER SPRING, MD 20910

JAN 13 10 06 AM '92

WNPC, Inc.
Newport, Tennessee

RE:

A F F I D A V I T

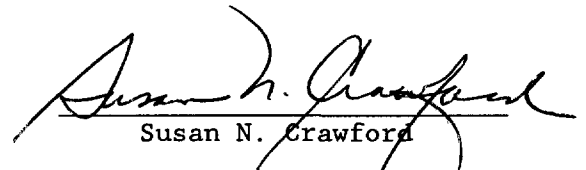
MONTGOMERY COUNTY)
) SS:
STATE OF MARYLAND)

SUSAN N. CRAWFORD, being duly sworn upon oath deposes and says:

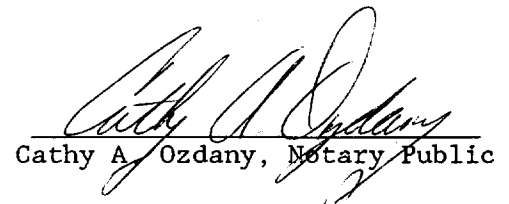
That she is a Senior Staff Engineer in the firm of Silliman and Silliman;

That this firm has been retained by WNPC, Inc. to prepare this engineering statement;

That she has either prepared or directly supervised the preparation of all technical information contained in this engineering statement and that the facts stated in this engineering statement are true of her knowledge except as to such statements as are herein stated to be on information and belief and as to such statements she believes them to be true.


Susan N. Crawford

Subscribed and sworn to before me this 6th day of February 1992.


Cathy A. Ozdany, Notary Public

My Commission expires April 1, 1994.

(SEAL)

ENGINEERING REPORT
SILLIMAN AND SILLIMAN

8601 GEORGIA AVENUE

CONSULTING ENGINEERS FCC MAIL SECTION

SILVER SPRING, MD 20910

JAN 13 10 05 AM '92

WNPC, Inc.
Newport, Tennessee

RC

A F F I D A V I T

MONTGOMERY COUNTY)
) SS:
STATE OF MARYLAND)

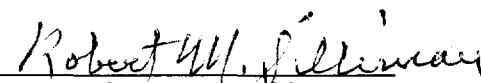
ROBERT M. SILLIMAN, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

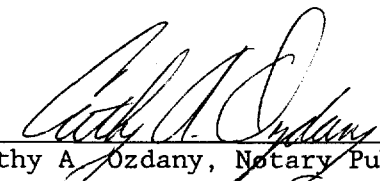
That he is a registered professional engineer in Maryland, the District of Columbia and the Commonwealth of Virginia and is a partner in the firm of Silliman and Silliman;

That this firm has been retained by WNPC, Inc. to prepare this engineering statement;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement and that the facts stated in this engineering statement are true of his knowledge except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.


Robert M. Silliman

Subscribed and sworn to before me this 6th day of February 1992.


Cathy A. Ozdany, Notary Public

My Commission expires April 1, 1994.

(SEAL)

CERTIFICATE OF SERVICE FCC MAIL SECTION

I, William E. Zimsky, do hereby certify that copies of the foregoing document were mailed via first class U.S. Mail, postage prepaid, on February 13, 1992, to the following:

Michael C. Ruger, Esq.
Assistant Chief, Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8337
Washington, D.C. 20554

Pam Blumenthal, Esq.
Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8324
Washington, D.C. 20554


William E. Zimsky